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Security Council

Sixty-third year

Provisional

5884th meeting

Wednesday, 30 April 2008, 10.25 p.m.
New York

President:	Mr. Kumalo	(South Africa)
Members:	Belgium	Mr. Verbeke
	Burkina Faso	Mr. Kafando
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Urbina
	Croatia	Mr. Vilović
	France	Mr. Ripert
	Indonesia	Mr. Kleib
	Italy	Mr. Spatafora
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Panama	Mr. Suescum
	Russian Federation	Mr. Safronkov
	United Kingdom of Great Britain and Northern Ireland	Mr. Quarrey
	United States of America	Mr. Wolff
	Viet Nam	Mr. Hoang Chi Trung

Agenda

The situation concerning Western Sahara

Report of the Secretary-General on the situation concerning Western Sahara (S/2008/251)

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08-32472 (E)

The meeting was called to order at 10.25 p.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning Western Sahara

Report of the Secretary-General concerning Western Sahara (S/2008/251)

The President: I should like to inform the Council that I have received a letter from the representative of Spain, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. De Palacio España (Spain) took the seat reserved for him at the side of the Council Chamber.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2008/284, which contains the text of a draft resolution submitted by France, the Russian Federation, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Members of the Council also have before them document S/2008/251, which contains the report of the Secretary-General on the situation concerning Western Sahara.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

I shall now give the floor to those members of the Council who wish to make statements before the voting.

Mr. Urbina (Costa Rica) (*spoke in Spanish*): As you yourself have said, Sir, what we had in the consultation room was a preview. My delegation is eager that our discussion here today be set down in the official record. I would therefore beg the indulgence of delegations present to repeat and summarize what was said earlier.

I said at the outset that when Costa Rica presented its candidacy for Security Council membership to the Members of the Organization, we did so on the basis of a platform of clear and specific principles that we have always upheld. We presented ourselves as a country that was devoted to and concerned about respect for international law without restriction; it could not be otherwise for a country that has staked its security on multilateralism and international law for the past 60 years. We also presented ourselves as a country that defends and promotes respect for the human rights of all human beings without exception, double standards or politicization of the cause. That is our history as a State and those are the fundamental values that we wish to see strengthened in the Organization.

In our campaign, we also stressed our brief but notable record of promoting the need to reform the working methods of the Security Council. As early as 1997, a note from Ambassador Berrocal referred to the Council's working methods. Alongside other Members of the Organization, we formed the so-called small five group, in which we made proposals with a view to making the Council more efficient and to ensuring that its actions enjoyed greater legitimacy. We called for a more transparent and inclusive Council, and we continue to do so, repeatedly and vehemently.

No one will be surprised, therefore, that Costa Rica should feel obliged to express its concern at the manner in which the draft resolution on which we are about to vote was negotiated, or to convey our difficulty in understanding the absolute refusal to include elements that, in our view, should be an integral part of the draft resolution.

It is especially difficult for Costa Rica to understand the opposition to including a reference to the human rights component in the text of the draft resolution. During the negotiation process, we proposed two options for incorporating such a reference. Today, to our surprise, the representative of the Russian Federation threatened to exercise a

technical veto of any reference to human rights, despite the fact that the issue of human rights is the object of mutual accusations made by both parties, that it has been raised in consultations by various delegations, and that several references are made to it in the reports of the Secretary-General. In his most recent report, Secretary-General Ban Ki-moon himself refers to the United Nations duty to uphold human rights standards in all its operations, including in Western Sahara, and to the need to coordinate action in that sphere.

Costa Rica cannot understand the reasons that have been put forward for rejecting a specific reference to the framework of international law when we are calling on the parties to assume a realistic position in the negotiations, nor do we understand the fact that the Group of Friends should sideline the members of the Security Council in the preparation of the texts of draft resolutions and in the building of consensus. In this case, just a week ago the Group of Friends provided us with the text on which we are about to vote and in which my delegation continued to insist that some of its amendments be included.

Costa Rica believes that the Council should facilitate solutions to the international issues on its agenda. As we said in the debate on the Middle East, the Council should be part of the solution and not part of the problem. We should not come here to defend the interests of certain parties to a conflict or the particular interests of any delegation. Instead, we should promote just, equitable and lasting solutions to problems that touch on international peace and security.

If the Council is to be part of the solution in Western Sahara, it must be united. That is what we have worked to ensure and why we withdrew our proposed amendments to the text. We will continue clearly and decisively to advocate a political, just and lasting solution acceptable to all parties, as requested by resolutions 1754 (2007) and 1783 (2007). The solution to the issue of the self-determination of the people of Western Sahara should be sought in the framework of the ongoing negotiations between the parties, which should be based on the principles and provisions of international law, especially those that have governed the Organization's decolonization work, in particular resolutions 1513 (2003) and 1541 (2004), which provide for voluntary annexation to a State or the proclamation of independence as the logical outcome of the process of self-determination.

Costa Rica has worked constructively and demonstrated flexibility, creativity and, today, humility, despite the particular negotiating dynamic with which we were faced. Our proposals to improve the paragraphs on human rights and respect for international law were never reflected in the text or negotiated in consultations. The implications of such a negotiating process are many and do nothing to strengthen the Council's legitimacy and transparency. Progress may be slow, as they say, but we have expressed our concern, maintained our position in the negotiations and defended the ideas and principles that underpinned our campaign to obtain the seat we now occupy on the Council.

In our first proposed amendment, we suggested adding the expression "within the framework of international law" to paragraph 2, which would then read as follows:

> "Endorses the report's recommendation that realism, within the framework of international law, and a spirit of compromise by the parties are essential to maintain the momentum of the process of negotiations".

We also proposed an amendment to add a new operative paragraph that would have read:

> "Calls upon the parties to commit themselves to a continuous and constructive dialogue with the Office of the United Nations High Commissioner for Human Rights and MINURSO with a view to ensuring respect for the human rights of the people of Western Sahara;".

We withdrew both of our proposed amendments with a view to strengthening consensus and as a demonstration of respect for those who listened when we wanted to present our points of view.

Mr. Safronkov (Russian Federation) (*spoke in Russian*): I would like to express our surprise at the fact that in his statement the representative of Costa Rica — which normally has friendly relations with the Russian Federation — distorted the thrust of the discussion held in the framework of the consultations in the Security Council. Our Ambassador put forward arguments of a totally different nature with regard to the technical veto. They dealt with the situation of putting to the vote a draft resolution on which there was no agreement from our capital. I wish to add that

other delegations spoke against the inclusion of these amendments to the text of the resolution for the same reasons.

The President: I shall now make a statement in my national capacity before the vote.

The negotiating process on the draft resolution before us illustrates once again that the Group of Friends are not interested in genuinely negotiating with the Security Council on the text that they produced. Once the Group of Friends reach an agreement, they are adamant that "it is cast in stone" and would not change substantially. As has been our experience in this matter in the Council, the Group of Friends have once again failed to be receptive to any substantial changes to the text that was initially agreed to by the Friends. Unlike other Council outcomes, there was once again no real attempt to reach a compromise on the contentious paragraphs so that we could be assured of a balanced text. Through this process the Security Council, which bears the primary responsibility for the maintenance of international peace and security under the terms of the United Nations Charter, is undermined by a group of like-minded countries and individuals who chose to determine the fate of the people of Western Sahara.

On the text of the resolution, my delegation would like to point out the following points.

The word "realism" would be interpreted as implying that the Council endorses the view of the Personal Envoy of the Secretary-General on political reality and international legality. No State or individual can bestow upon itself the right to deny the right of self-determination to the people of Western Sahara. That interpretation could set a precedent that could be used in many other cases. Are we going to say to the people of Palestine that they should be realistic in that they cannot get their freedom because of the powerful State of Israel? Indeed, are we going to say to the people of Serbia that they must accept Kosovo as a reality because of what has happened? This attempt would set aside international law in favour of the principle that "might is right".

We maintain that "realism" in the text of the resolution is related to the negotiations and not to any outcome. Following the report of the Secretary-General, the resolution calls on both parties — the Frente POLISARIO and Morocco — to show realism and a spirit of compromise, as these are essential to maintain the momentum of the process of the negotiations.

The resolution welcomes Morocco's "serious and credible ... efforts to move the process towards resolution". The context and the relevance of retaining this phrase have changed. This phrase has, unfortunately, led to destructive ambiguity and has resulted in some unfortunately interpreting the Council's intention as favouring one proposal over the other.

My delegation reiterates our understanding, as a Council member that was part of the negotiations on the text of resolution 1754 (2007), that the text of the resolution is clear, that the Council takes note of both proposals and that the Council called on the parties to enter into negotiations based on both of these proposals. Any attempt to place one proposal above the other would undermine the negotiations process and would be counterproductive to the spirit of future negotiations based on these two proposals. The Council and the Personal Envoy of the Secretary-General should remain objective without pre-empting any final status of the negotiations.

The sponsors have once again refused to include any mention of human rights in the draft resolution, despite the fact that the Secretary-General has continued to report on the human rights situation in Western Sahara. Additionally, both parties — Frente POLISARIO and Morocco — have raised human rights concerns in their recent letters to the Secretary-General.

My delegation finds it extremely curious that some Council members selectively are quick to pronounce on the human rights situations in countries that are not even on the agenda of the Security Council, such as Myanmar and Zimbabwe, but refuse to deal with human rights abuses in Western Sahara, which this Council has been faced with for decades. This double standard creates a clear impression to the international community that the Council simply does not care about the human rights of the people of Western Sahara.

The resolution does, however, call on the parties — Frente POLISARIO and Morocco — to continue where the negotiations began after the adoption of resolution 1754 (2007), on the basis of the two proposals. It is for that reason that, despite the serious concerns with the draft, my delegation will vote

in favour of the resolution in the hope that through the negotiating process and with the support of MINURSO the people of Western Sahara can one day achieve their right to self-determination.

I now resume my function as President of the Council.

A vote was taken by show of hands.

In favour:

Belgium, Burkina Faso, China, Costa Rica, Croatia, France, Indonesia, Italy, Libyan Arab Jamahiriya, Panama, Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1813 (2008).

I shall now give the floor to those members of the Council who wish to make statements following the voting.

Mr. Wolff (United States of America): I had intended to focus my remarks on the issue before us, and will do so. But that does not mean we agree with either the interpretation of the process that led to this resolution or the representation of the arguments presented by Council members on the specific issues raised by both Ambassador Urbina and Ambassador Kumalo reflecting the substance of the issue. But let me focus on the issue as we see it before us.

The Western Sahara conflict has gone on too long, provoking tensions, causing human suffering and preventing progress towards regional integration in North Africa. I am sure that all of us around this table yearn for a mutually agreed political solution to this conflict. Four rounds of discussions in the framework of the latest settlement initiative have, however, confirmed the difficulty of arriving at such a solution, despite the seriousness, dedication and sincerity of the Secretary-General's Personal Envoy, Peter van Walsum.

In the absence of a settlement, my Government judges the mission of the United Nations Mission for the Referendum in Western Sahara to be vital and is pleased that the Council has renewed its mandate for a full year; we appreciate the fact that it was done consensually.

It is our hope that this will permit the parties to engage in the search for a solution in a sustained, intensive and creative manner. To encourage them to do so, we intend to broaden our own engagement with them over the coming weeks and months. For our part, we agree with Mr. van Walsum's assessment that an independent Sahrawi State is not a realistic option for resolving the conflict and that genuine autonomy under Moroccan sovereignty is the only feasible solution. In our view, the focus of future negotiation rounds should therefore be on designing a mutually acceptable autonomy regime that is consistent with the aspirations of the people of the Western Sahara.

In that regard, Morocco has already produced a proposal that the Security Council has qualified as serious and credible, and we urge the POLISARIO to engage Morocco in negotiation of its details — or to submit a comprehensive autonomy proposal of its own.

Mr. Ripert (France) (*spoke in French*): With the adoption of resolutions 1754 (2007) and 1783 (2007), the international community unanimously welcomed the end of the stalemate on Western Sahara, with the commencement of negotiations without preconditions and in good faith. The lack of progress in the Manhasset negotiations undermines the search for a mutually acceptable, just and lasting political solution negotiated under United Nations auspices, allowing for the self-determination of the people of Western Sahara. The continuation of the status quo in Western Sahara is an obstacle to building an integrated, prosperous Maghreb and poses a threat to the stability of the entire region.

By resolutions 1754 (2007) and 1783 (2007), the Security Council unanimously welcomed the serious and credible Moroccan efforts to produce an autonomy plan for Western Sahara. That, of course, is not a sine qua non: the autonomy plan proposed by Morocco forms the basis for serious and constructive negotiation aimed at a negotiated settlement between the parties, with respect for the principle of self-determination, to which we are committed.

We have taken note with interest of the assessment of the Personal Envoy of the Secretary-General, which supplements the information set out in the report of the Secretary-General (S/2008/251). We pay tribute once again to Secretary-General and his Personal Envoy for their efforts to resolve the question of Western Sahara.

In adopting the present resolution, the Security Council calls upon the parties to display realism and a spirit of compromise so that the negotiations can move to a stage of greater intensity and substance. We hope that the Security Council and all Member States — in particular, neighbouring countries in the region — will remain ready to support the ongoing negotiations, as called for in resolutions 1754 (2007) and 1783 (2007) and in the present resolution.

Mr. Kafando (Burkina Faso) (*spoke in French*): As members know, the conflict in Western Sahara is of the greatest concern to my country — not solely because it is an African problem, but also because of the potential danger it poses every day, after more than 30 years of attempts to reach a compromise. In that regard, Burkina Faso has maintained a consistent position: to encourage the parties to persevere on the path of negotiations, because, in our view, only the parties concerned can resolve their differences — of course, with the support of the international community. We consider that the present resolution encourages the parties to pursue negotiations, which is why Burkina Faso has supported it: that consideration is of great importance to my country. In our view, it is of the utmost importance to send a signal of encouragement to the parties so that they will persevere in the negotiations in a spirit of good faith and dynamic compromise.

We respect the views of delegations that have expressed differing opinions, and we thank them for their understanding, which has enabled us to adopt the resolution unanimously. It is our hope that this new resolution, which renews the mandate of the United Nations Mission for the Referendum in Western Sahara, will contribute to progress in the negotiations that the parties have already begun, in particular with respect to the consideration of substantive issues.

The President: There are no further speakers on my list. Before adjourning the meeting, I should like, in my national capacity, to thank the Secretariat, the interpreters and the members of the Council, who have made this a very interesting month for the presidency. I thank them for their support.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 11 p.m.